

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEITH DESMOND TAYLOR,

Petitioner,

v.

MICHAEL SMITH,

Respondent.

Case No. [17-cv-00807-DMR](#) (PR)

ORDER OF TRANSFER

Petitioner, a condemned prisoner incarcerated at San Quentin State Prison, has filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in the San Bernardino County Superior Court. Dkt. 1. He has not filed an *in forma pauperis* application.

On February 17, 2017, Petitioner consented to magistrate judge jurisdiction. Dkt. 2.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a State which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). If the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See Habeas L.R.* 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Here, Petitioner challenges a conviction and sentence incurred in the San Bernardino County Superior Court, which is within the venue of the Eastern Division of the Central District of

1 California. Therefore, the United States District Court for the Eastern Division of the Central
2 District of California has jurisdiction over this matter.

3 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice,
4 this action is TRANSFERRED to the Eastern Division of the United States District Court for the
5 Central District of California. Therefore, the Clerk of the Court shall transfer the case forthwith.

6 If Petitioner wishes to further pursue this action, he must complete the *in forma pauperis*
7 application required by the Eastern Division of the United States District Court for the Central
8 District of California and mail it to that district.

9 IT IS SO ORDERED.

10 Dated: March 9, 2017

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13 DONNA M. RYU
14 United States Magistrate Judge
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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEITH DESMOND TAYLOR,
Plaintiff,
v.
MICHAEL SMITH,
Defendant.

Case No. [4:17-cv-00807-DMR](#)

CERTIFICATE OF SERVICE

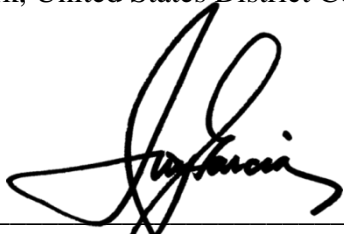
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 9, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Keith Desmond Taylor ID: H46885
San Quentin State Prison
San Quentin, CA 94974

Dated: March 9, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU